

**BEFORE THE ETHICS COMMISSION FOR THE STATE OF TENNESSEE AT
NASHVILLE**

In re:

No. 2008-77

Jonathan Katsiros

Respondent

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CONDITIONAL ORDER ON SHOW CAUSE

This matter came to be heard by the Tennessee Ethics Commission ("Commission") on November 24, 2008 at its regularly scheduled meeting upon Commission staff's presentation of Commission records showing that Respondent failed to timely file a Statement of Disclosure of Interests, Form SS-8005 ("Statement"), as required by Tenn. Code Ann. §§ 88-50-504.

FINDINGS OF FACT

Based on the entire record in this matter, the Commission finds as follows:

1. Respondent, Mr. Katsiros, was a candidate for statewide elected office and was required to file a Statement as required by Tenn. Code Ann. §§ 8-50-504.
2. The Commission has taken steps through training, website postings, and notices to help persons required to file Statements do so in a timely manner.
3. Respondent did not file a Statement by within thirty (30) days of the last day to qualify for the election.
4. In July, 2008, the Commission sent a warning letter to Mr. Katsiros by first class mail advising that his statement had not been received. This warning letter was not returned.
5. On August 28, 2008, the Commission sent Respondent an assessment letter and notice of opportunity to participate in informal proceedings (the "Show-Cause Notice") by certified mail, return receipt requested, and by regular first class mail. The Show-Cause Notice stated that the Commission intended to consider, at its October 28, 2008, meeting, an assessment of civil penalties against Respondent for failure to file his 2008 Statement in a timely manner.

6. The Show-Cause Notice set forth the allegations, the maximum amount of civil penalties that could be assessed, and the date, place, and time of the hearing. The Show-Cause Notice also informed Respondent of his opportunity to participate in the hearing either by appearing personally or by submitting a sworn statement and any supporting documents.
7. The Show Cause Notice sent to Respondent by certified mail was returned to the Commission offices marked "Unclaimed" after two deliver attempts on September 4, 2008 and September 15, 2008. The notice was returned by the USPS to the Commission office on September 29, 2008.

CONCLUSIONS OF LAW

1. Respondent had a duty under Tenn. Code Ann. §§ 8-5-501(a)(19) and 8-50-504 to file a Statement as a candidate for statewide elected office.
2. Respondent's failure to file a Statement in a timely fashion, constitutes a Class 1 Offense pursuant to Tenn. Code Ann. § 3-6-205(a)(1).
3. Pursuant to Tenn. Code Ann. § 3-6-205(a)(1)(A), the Commission has authority to assess civil penalties for failure to file a Statement of twenty-five (\$25.00) dollars a day with a maximum penalty of seven-hundred fifty (\$750.00) dollars. Penalties accrued from five (5) days after the last day of attempted delivery for over thirty (30) days. As of the date of the Show Cause Hearing, Respondent had not filed a Statement. The penalty of twenty-five dollars (\$25.00) per day accrued for thirty (30) days for a total of seven hundred fifty (\$750.00) dollars.

CONDITIONAL ORDER

It is therefore conditionally ORDERED as follows:

1. The Executive Director shall issue this Order on behalf of the Commission, and cause a copy of this Order to be provided to the Respondent, by either personal service, certified mail, return receipt requested, or overnight delivery.
2. This conditional order will not become final until after Respondent has been afforded an opportunity for a contested case hearing.

3. Respondent may obtain a contested case hearing by filing, within thirty (30) days of this order, a written petition with the Commission. By timely filing such a petition, petitioner will be entitled to all rights afforded to participants in a contested case hearing as provided by the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101- 4- 5-325.
4. If Respondent does not timely file a Petition, the right of a contested case hearing will be waived, and this Order shall become final.
5. The findings of a violation in this order may be considered an aggravating factor by the Commission in making penalty determinations as to any future violations of the Ethics Reform Act.

SO ORDERED

Issued this 3rd day of December, 2008

TENNESSEE ETHICS COMMISSION

By: 

Bruce A. Androphy
Executive Director